

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: FP/168/17/T

LOCATION: 2 The Midway
Felpham

PROPOSAL: Crown thin 1 No. Sycamore by 15% & raise crown by 5.5M

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 2 The Midway, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/89/87/T	Lop and top one sycamore tree	ApproveConditionally 11-05-1987
FP/217/01/T	Lopping of one Hawthorn tree	ApproveConditionally 17-01-2002
FP/45/09/T	Surgery to one Sycamore tree	ApproveConditionally 01-05-2009
BR/232/70/T	Felling of one tree	Refused 18-05-1970

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T 1 - Sycamore Acer pseudoplatanus Height = 10m Avg spread = 5m Age = Mature

- A healthy maturing tree that has been heavily topped out in the past and recovered a full crown.
- Sound and healthy and makes an impact in the landscape.
- Pedestrian passage is hindered by the lower canopy overhang.

Conclusions:

- The request to crown thin by 15% will achieve nothing as the tree will respond by putting back twice as many branches to fill in the space within one growing season - but if they want to do it then fine as it will not damage the health and vitality of this tree.
- As the primary issue is pedestrian passage and not hindering vehicle passage 5.5m ground clearance is excessive.

Recommendations:

- I recommend APPROVAL for the crown thinning works as listed in the application.
- I recommend REFUSAL for the crown raising to 5.5m :-

ADVISORY:

Suggest they come back in seeking a maximum of 4m ground clearance - with no cuts over 100mm diameter being made in the process.

Comments on Consultation responses:

Comments noted, the applicant was contacted with regard to the proposed change of description but there was no response.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the tree officer, it is recommended that consent be refused.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The proposed crown raise in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.